

RECEIVED  
CENTRAL FAX CENTER

MAY 29 2009

DOCKET: 203/505 US: MB-104  
APPLICATION: 10/821,383IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OK TO ENTER: /CK/

07/29/2009

In Re Application of:  
Christopher H. PorterExaminer : Christopher Koharski  
Art Unit: 3763

Applic.: 10/821,383

Filed: 04/09/2004

For: PERCUTANEOUSLY IMPLANTABLE  
MEDICAL DEVICE CONFIGURED TO  
PROMOTE TISSUE INGROWTHAmendment Responsive  
to Office Action  
dated 03/06/2009Mail Stop Amendment  
Commissioner for Patents  
Alexandria, VA 22313-1450REMARKS

The Office Action dated 03/06/2009 finally rejects claims 3-8 and 18-23 under 35 USC 103 but suggests that the claims could be amended to distinguish patentably over the art of record.

Accordingly, applicants' undersigned attorney telephoned Examiner Koharski on 05/22/09 to discuss proposed amendments to independent claims 22 and 23. As a consequence, claims 22 and 23 are being amended, as shown in the attached Claim Listing, to specify that the second porous layer extends longitudinally from the first porous layer and terminates inwardly of said stud outer end. As discussed, the amended claims now structurally and patentably distinguish the invention over the cited art.

///

///

-1-

MRPB408 RESPONSE TO OA 505

5/29/2009 11:43 AM